

Appl. No. 10/518,411
Reply to Office Action of December 28, 2007
Attorney Docket No. 26460U

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 5 and 7. These sheets replace the original drawings of Figs. 5 and 7. Replacement drawings are provided in the Appendix, which begins at the end of this paper.

REMARKS/ARGUMENTS

Claims 1 – 25 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action, the Examiner objected to the drawings asserting that “BINARISED,” in figures 5 and 7, should be -BINARIZED-; objected to the claims; rejected claim 4 under 35 U.S.C. §112, second paragraph for being indefinite; claims 1 – 8, 10 – 13, and 15 – 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,516,157 (hereinafter referred to as “the Maruta et al. ‘157 patent”); and claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Maruta et al. ‘157 patent.

By this Response and Amendment, figures 5 and 7 have been amended correct a spelling error; claim 4 has been amended to correct a formality; and the objection to claims 9 and 14 and the prior art rejections are traversed. It is respectfully submitted that the above amendments do not introduce any new matter to this application within the meaning of 35 U.S.C. §132.

Informalities

With respect to the Examiner’s assertion that claims 9 and 14 are incomplete, Applicants submit that claims 9 and 14 are complete as amended. However, if the Examiner persists with her objection, Applicants respectfully request that the Examiner provide specific shortcomings of each claim so that the Applicants can provide any necessary missing recitations. Otherwise, Applicant respectfully requests that the Examiner reconsider and withdraw the objection.

With respect to Figs. 5 and 7, Applicants have corrected the drawings in accordance with the Examiner’s suggestions. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the objection to the drawings.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 4 under 35 U.S.C. §112, second paragraph for being indefinite for not providing antecedent basis for the phrase “the number of black pixels....”

Response

By this Response and Amendment, Applicant has amended claim 4 to provide antecedent basis. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to claim 4.

Prior Art Rejections

The Examiner rejected claims 1 – 8, 10 – 13 and 15 – 25 as being anticipated by the Maruta et al. ‘157 patent and rejected claims 9 and 14 as being unpatentable over the Maruta et al. ‘157 patent.

Response

By this Response and Amendment, Applicant respectfully traverses the rejection since all of the features of the presently claimed subject matter are not disclosed, taught or suggested by the cited prior art. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Impax Laboratories Aventis v. Pharmaceuticals*, 468 F.3d 1366, 1381 (Fed. Cir. 2006). To establish a *prima facie* case of obviousness, the Examiner must establish that the prior art references teach or suggest all of the claim features. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed.

Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

The Examiner has not shown where all of the elements of independent claims 1, 8, 18 and 22 are disclosed taught or suggested in the cited prior art. The last two features of claim 1 recite “...an area coverage calculation section for calculating an area coverage by image forming material defined by an area of a print sheet covered with image forming material when printing the image data on the print sheet; and a printing cost calculation section for calculating a printing cost for printing the image data, based on the area coverage by image forming material, printing cost information for each of the plurality of printing machines, and a print count of the image data.” The Examiner reprints these features in the Office Action; however, there is no indication of where these features are found in the cited prior art.

In contrast to the presently claimed subject matter, the Maruta et al. ‘157 patent discloses a printing system that includes a printer, a center side data processor and a remote user side processor. The system determines a printing cost based on the color of ink used and on the size of the paged being printed on. However, the Maruta et al. ‘157 patent does not disclose teach or suggest “calculating an area coverage by image forming material defined by an area of a print sheet covered with image forming material when printing the image data on the print sheet” nor does the Maruta et al. ‘157 patent disclose, teach or suggest “calculating a printing cost for printing the image data, based on the area coverage by image forming material, printing cost information for each of the plurality of printing machines, and a print count of the image data.”

With respect to the second feature, the Maruta et al. ‘157 patent is also silent with respect to the ability to calculate cost for “each of a plurality of printing machines” as recited in the independent claims. Simply, the Maruta et al. ‘157 patent does not disclose, teach or suggest a

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“plurality of printing machines” that contributes to the calculation of the cost of printing.

Since all of the features of the presently claimed subject matter are not disclosed, taught or suggested by the cited prior art, the cited prior art neither anticipates nor renders obvious the presently claimed subject matter obvious. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
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APPENDIX